

United States District Court

E-filing

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO P 1:54

CR 10 0680

UNITED STATES OF AMERICA,

V.

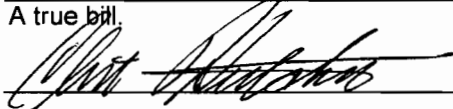
DEMARIO MCDANIELS,

DEFENDANT(S).

INDICTMENT

21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii) - Distribution and Possession with Intent to Distribute 5 Grams or More of Cocaine Base in the Form of Crack Cocaine;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii) - Distribution and Possession with Intent to Distribute 28 Grams or More of Cocaine Base in the Form of Crack Cocaine;
21 U.S.C. § 841(a)(1) and (b)(1)(C) - Distribution and Possession with Intent to Distribute of Cocaine Base in the Form of Crack Cocaine.

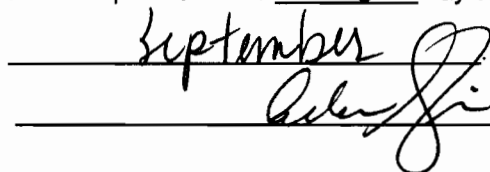
A true bill.



Foreman

Filed in open court this 16th day of

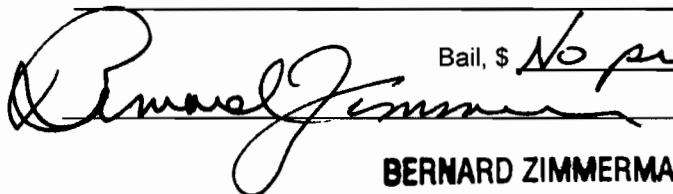
September



ADA YIU

Clerk

Bail, \$ No process



BERNARD ZIMMERMAN

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☐ SUPERSEEDING**OFFENSE CHARGED**

21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii);

21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii);

21 U.S.C. § 841(a)(1) and (b)(1)(C);

Distribution and Possession with Intent to Distribute of
Cocaine Base in the Form of Crack Cocaine.☐ Petty☐ Minor☐ Misdemeanor☒ Felony

PENALTY: Penalties list is attached

Name of District Court, and/or Judge/Magistrate Location

NORTH DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

2010 SEP 16 P 1:54

DEFENDANT - U.S.

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

DEMARIO MCDANIELS

DISTRICT COURT NUMBER

CR 10 0680

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Justin Quinn, Special Agent ATF

☐ person is awaiting trial in another Federal or State Court,
give name of court☐ this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on motion
of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) WILLIAM FRENTZEN

DEFENDANT**IS NOT IN CUSTODY**1) ☐ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior
summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
been filed? ☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Penalties – DEMARIO MCDANIELS

Count One: 21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii) - Possession with Intent to Distribute 5 Grams or More of Cocaine Base in the Form of Crack Cocaine

- (1) Imprisonment: Maximum 40 Years Imprisonment, Minimum 5 Years
- (2) Fine: Maximum \$2,000,000
- (3) Supervised Release: Minimum 4 Years
- (4) Special Assessment: \$100.00

If information filed for prior felony drug offense:

- (1) Imprisonment: Maximum Life Imprisonment, Minimum 10 Years
- (2) Fine: Maximum \$4,000,000
- (3) Supervised Release: Minimum 8 Years
- (4) Special Assessment: \$100.00

Count Two: 21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii) - Possession with Intent to Distribute 5 Grams or More of Cocaine Base in the Form of Crack Cocaine

- (1) Imprisonment: Maximum 40 Years Imprisonment, Minimum 5 Years
- (2) Fine: Maximum \$2,000,000
- (3) Supervised Release: Minimum 4 Years
- (4) Special Assessment: \$100.00

If information filed for prior felony drug offense:

- (1) Imprisonment: Maximum Life Imprisonment, Minimum 10 Years
- (2) Fine: Maximum \$4,000,000
- (3) Supervised Release: Minimum 8 Years
- (4) Special Assessment: \$100.00

Count Three: 21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii) - Possession with Intent to Distribute 28 Grams or More of Cocaine Base in the Form of Crack Cocaine

- (1) Imprisonment: Maximum 40 Years Imprisonment, Minimum 5 Years
- (2) Fine: Maximum \$5,000,000
- (3) Supervised Release: Minimum 4 Years
- (4) Special Assessment: \$100.00

If information filed for prior felony drug offense:

- (1) Imprisonment: Maximum Life Imprisonment, Minimum 10 Years
- (2) Fine: Maximum \$25,000,000
- (3) Supervised Release: Minimum 8 Years
- (4) Special Assessment: \$100.00

Count Four: 21 U.S.C. § 841(a)(1) and (b)(1)(C) - Possession with Intent to Distribute Cocaine Base in the Form of Crack Cocaine

- (1) Imprisonment: Maximum 20 Years Imprisonment
- (2) Fine: Maximum \$1,000,000
- (3) Supervised Release: Minimum 3 Years
- (4) Special Assessment: \$100.00

If information filed for prior felony drug offense:

- (1) Imprisonment: Maximum 30 Years Imprisonment
- (2) Fine: Maximum \$2,000,000
- (3) Supervised Release: Minimum 6 Years
- (4) Special Assessment: \$100.00

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

2010 SEP 16 P 1:54

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WHA

CR 10 0680

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DEMARIO MCDANIELS,)
)
Defendant.)

No.

VIOLATIONS: 21 U.S.C. § 841(a)(1) and
(b)(1)(B)(iii) – Distribution and Possession
with Intent to Distribute 5 Grams or More of
Cocaine Base in the Form of Crack Cocaine;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii) –
Distribution and Possession with Intent to
Distribute 28 Grams or More of Cocaine
Base in the Form of Crack Cocaine;
21 U.S.C. § 841(a)(1) and (b)(1)(C) –
Distribution and Possession with Intent to
Distribute Cocaine Base in the Form of
Crack Cocaine.

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE

On or about January 12, 2010, in the Northern District of California, the defendant,
DEMARIO MCDANIELS,
did knowingly and intentionally distribute and possess with intent to distribute a Schedule II
controlled substance, to wit, 5 grams or more of cocaine base in the form of crack cocaine, in
violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(iii).

1 COUNT TWO

2 On or about July 22, 2010, in the Northern District of California, the defendant,
3 DEMARIO MCDANIELS,
4 did knowingly and intentionally distribute and possess with intent to distribute a Schedule II
5 controlled substance, to wit, approximately 49.2 grams of cocaine base in the form of crack
6 cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(iii).

7 COUNT THREE

8 On or about August 24, 2010, in the Northern District of California, the defendant,
9 DEMARIO MCDANIELS,
10 did knowingly and intentionally distribute and possess with intent to distribute a Schedule II
11 controlled substance, to wit, 28 grams or more of cocaine base in the form of crack cocaine, in
12 violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(iii).

13 COUNT FOUR

14 On or about September 8, 2010, in the Northern District of California, the defendant,
15 DEMARIO MCDANIELS,
16 did knowingly and intentionally possess with intent to distribute a Schedule II controlled
17 substance, to wit, cocaine base in the form of crack cocaine, in violation of Title 21, United
18 States Code, Sections 841(a)(1) and (b)(1)(C).

19
20 DATED: *September 16, 2010*

A TRUE BILL.

21 
22 FOREPERSON

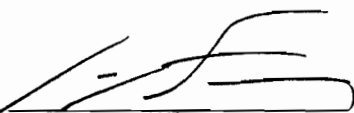
23
24 MELINDA HAAG
25 United States Attorney

26 
27 WILLIAM FRENTZEN
28 Acting Chief, Organized Crime Strike Force

INDICTMENT

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(Approved as to form:


AUSA William Frentzen